

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BRANDON BAKER,

Plaintiff,

v.

Case No. 09-cv-992-JPG

LT. PARKER, LT. MCCUAN, MICHAEL A.  
FAVORS, JOHN CAPEL, SHANE A. HILEMAN,  
C/O MCCAUN, R. ALSIP, DR. DAVID ALFON,  
DEBBIE PERKINS and MS. BARKER,

Defendants.

**MEMORANDUM AND ORDER**

This matter comes before the Court on Magistrate Judge Frazier's March 8, 2011, order (Doc. 48) directing plaintiff Brandon Baker to state his position, on or before March 31, 2011, on his oral request at his deposition to dismiss his claims against defendants Debbie Perkins and R. Alsip. Magistrate Judge Frazier noted that dismissal at this stage of the litigation would be with prejudice, and warned Baker that if he failed to respond to the Court's order, the Court would construe his deposition testimony as a request for voluntary dismissal and would dismiss Baker's claims against Debbie Perkins and R. Alsip with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Baker has not responded to Magistrate Judge Frazier's order. Accordingly, as it warned Baker it would, the Court construes his deposition testimony as a request for voluntary dismissal, **DISMISS** Baker's claims against Debbie Perkins and R. Alsip **with prejudice** pursuant to Rule 41(a)(2) and **DIRECTS** the Clerk of Court to enter judgment accordingly. Perkins' motion to dismiss (Doc. 47) is **MOOT** in light of this order.

**IT IS SO ORDERED.**

**DATED: April 11, 2011**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**